

REMARKS

In the Office Action, the Examiner rejected claims 23 to 44 as directed to non-statutory subject matter. Applicants have cancelled claims 23 to 44.

In addition, Applicants have cancelled all claims except for independent claims 1, 7 and 15 to expedite prosecution.

Claims 1, 7 and 15 were each rejected as being anticipated by DeBaryshe (5,713,364). DeBaryshe relates to a measurement device. DeBaryshe fails to disclose or suggest an apparatus where the optical components include a mirror meeting the following conditions as recited in claim 1:

$TSE(D) \leq 2e^{-0.15D}$ where $TSE(D) = E_{mirror}(D)/E_{ideal}(D)$ where $E_{mirror}(D)$ is the encircled energy of the mirror measured as a function of the included diameter D and $E_{ideal}(D)$ is the encircled energy for an ideal diffraction-limited mirror of equal focal length and numerical aperture.

In addition, DeBaryshe fails to disclose or suggest an apparatus wherein either:

- (a) the series of optical components transports at least 99% of the gathered illumination to a detector; or
- (b) at least 99% of the portion of the probe beam that is reflected by the measurement area reaches the detector - as set forth in claims 7 and 15 respectively.

Accordingly, these rejections must be withdrawn.

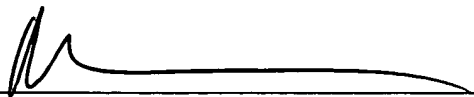
The various additional prior art references cited by the Examiner were applied to other pending claims. None of these references overcome the deficiencies of DeBaryshe in anticipating or rendering obvious Applicants' invention.

Based on the above, it is respectfully submitted that independent claims 1, 7 and 15 define patentable subject matter and allowance thereof is respectfully requested.

Respectfully submitted,

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